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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,390	10/15/2003	Valter Asteggiano	7587.215US01	2113
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MERCHANT & GOULD PC			SPISICH, GEORGE D	
P.O. BOX 2903			ART UNIT	
MINNEAPOLIS, MN 55402-0903			PAPER NUMBER	

3616

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/687,390

Applicant(s)

ASTEGGIANO, VALTER

Examiner

George D. Spisich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 3-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant is reminded of the election of Species shown in Figure 3 in the reply filed on July 7, 2005.

Claims 4,6 and 7 have been withdrawn in the amendment filed December 5, 2005.

In Applicant's amendment filed December 5, 2005, claim 1,2,3 and 5 have been amended. Claim 1 has been rejected in this action. Claims 3 and 5 have been amended to relate to non-elected species. Specifically, claim 3 now recites the actuator is on the arm of the suspension, which is a feature of non-elected Figures 1 and 2 and not a feature of elected Figure 3, and claim 5 now recites the first seat is supported at its end by articulations comprising spherical joints, which is a feature in non-elected Figure 2, not a feature of elected Figure 3.

Due to these amendments, Claims 3 and 5, which are now drawn to a non-elected species and have been withdrawn and are not examined in this Action.

### ***Priority***

Examiner understands Applicant's is acquiring the certified copy of the foreign document and it will be submitted as required, but repeats this issue as the foreign document has not yet been received.

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Italy on October 17, 2002. It is noted, however, that applicant has not filed a certified copy of the foreign application as required by 35 U.S.C. 119(b).

### ***Claim Objections***

Claim 1 is objected to because of the following informalities:

Claim 1, line 5, "attachments" should be - - an attachment - - as this is only a single attachment.

Claim 1, line 9, "in rotation" should be - - for rotation - -, so as to read properly. Appropriate correction is required.

Claim 2 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

The limitations of claim 2 are the same as the limitations added to the end of amended claim 1.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 12 is unclear. In line 12, there is claim "the seat". This is unclear, as a first and second seat has been previously claimed in claim 1, it is unclear which seat is being referred to by claiming "the" seat.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Grosseau (USPN 3,674,285) provided in Applicant's IDS.

Grosseau discloses (as best seen in Figures 6-9, most relevant Figs 6 and 8) a steering device supporting a rocking wheel-hub of a trailing arm suspension of a motor vehicle in which the support for the wheel-hub comprises a connection element (5ab,a,ac) rotatably connected to the body of the suspension, adapted to rotate in a plane substantially perpendicular to the ground and parallel to the longitudinal axis of the vehicle. The connection element is provided with attachment(s) for the wheel hub and controlled by an elastic element (8,8a,10a) adapted to limit the rotation, wherein the

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connection element rotates on a axle (17) supported by a first seat (associated with 17) adapted to rotate on an axle (7a) supported for rotation by a second seat (associated with 7a) connected to the end of the suspension arm that is not connected to the bodywork of the vehicle. Both rotary movements being allowed in two planes substantially perpendicular to each other.

The seats are broadly considered "cylindrical" seats, and the movement of Grosseau is identical to the movement of Applicant's inventions. Therefore, the axles, axes are met by the relating elements of Grosseau.

The seat is a cylindrical seat, provided with a steering lever (which D is connected to in Figure 8) and is put into rotation by a tension rod (D) connected to the steering lever and controlled by an actuator. It is inherent that the connected tension rod that operates to rotate a steering lever as disclosed by Grosseau would be controlled by an element (gear, steering wheel, linkage) that would be considered an "actuator".

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grosseau in view of Bruehl (US 5,979,919).

Grosseau has been discussed in the prior rejection. Although Examiner insists that an “actuator” to control the tension rod and rotate the steering lever is inherent in Grosseau, Examiner is also using Bruehl to unarguably provide the claimed limitation.

Bruehl discloses an actuator to control a tension rod connected to a steering lever to rotate a wheel support to steering the wheel arrangement.

It would have been obvious to include an actuator as shown by Bruehl in the steering arrangement of Grosseau so as to properly control the steering motion of the wheel arrangement.

### ***Response to Arguments***

Applicant's arguments filed December 5, 2005 have been fully considered but they are not persuasive.

With respect to Applicant's argument that Grosseau does not disclose the structure of claim 1, Examiner disagrees and maintains the rejection. Grosseau discloses elements that operate/move in the same manner as Applicant's invention and are broadly considered to be described by the claim language of claim 1.

With respect to Applicant's argument that Bruehl does not properly modify Grosseau to provide for the structure lacking in Grosseau, Examiner disagrees and maintains the rejection. This argument/reference is more specifically related to the

dependent claim that related to the actuator being mounted on the bodywork of the vehicle. This structural limitation has been deleted in the amendment filed Dec. 5, 2005. As stated in this Action, the limitation of the actuator is inherently disclosed in the arrangement of Grosseau and newly amended claim 1 only requires an "actuator" that controls a tension rod that rotates a steering lever and no particular location of such an actuator.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (571)



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272-6676. The examiner can normally be reached on Monday-Friday 9:00 to 6:30 except alt. Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

George D. Spisich  
February 18, 2006



 2/21/06  
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